

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7110 of 2023

=====

Bihari Mandal S/o Asharfi Mandal Resident of Mohalla Purabsarai, Refugee Colony Road, P.S. Kotwali, District Munger.

... .. Petitioner/s

Versus

1. The State of Bihar Through Collector, Munger.
2. The Collector, Munger.
3. The Municipal Commissioner, Municipal Corporation, Munger.
4. The Additional Collector, Public Grievance, Purnea.
5. The Sub Divisional Officer, Munger.
6. The Circle Officer, Sadar, Munger.
7. Ravishankar Prasad Son of Late Shiv Shankar Prasad, Resident of Mohalla Munger Railway Station Kotwali, P.O Munger, District Munger.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Harshwardhan Sahay, Advocate.
For the State : Mr. Raj Kishore Roy, GP-18.
For the Municipal Corporation: Mr. K. N. Sahay, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 11-12-2023

Heard Mr. Harshwardhan Sahay, learned counsel appearing on behalf of the petitioner; Mr. Raj Kishore Roy, learned GP-18 for the State and Mr. K. N. Sahay, learned counsel for the Municipal Corporation.

2. The petitioner has filed the writ petition for the following reliefs:

- “i. For a direction to respondent to construct the tea stall and two residential rooms Khesra no.5559 (detailed in Paragraph 4 of this application) as the same has been demolished by respondents.
- ii. For a direction to respondents to give due compensation for demolishing the tea stall and residential room of the petitioner.”

3. Learned counsel appearing on behalf of the petitioner submits that the Collector, Munger has informed the Municipal Commissioner, Munger to take action with respect to



an application made by a public that certain government land has been encroached and thereafter the Municipal Commissioner issued notice to the petitioner and same is the subject matter of challenge that Khesra No.5559 is owned by the petitioner.

4. Learned counsel appearing on behalf of the State objected the same and submitted that the petitioner has remedy under the provisions of Bihar Public Land Encroachment Act, 1956 and he may avail the remedy before the Commissioner in accordance with law.

5. The petitioner may make application before the Commissioner for getting the land which he claims his private land for adjudication of the case so that his right may not be defeated.

6. The Municipal Commissioner must make himself aware that the remedy of the petitioner before him is an efficacious remedy and he is required to pass necessary order expeditiously by condoning the delay, if any, and time taken before this Court.

7. The writ petition accordingly stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	13.12.2023
Transmission Date	N.A.

